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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
2002 DEC 18 P 3:53

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BY DPTY. CLK. 78
DATE 12-18-02

LABOR READY, INC., and
LABOR READY NORTHEAST, INC.,

Plaintiffs,

v.

ANTI-DISPLACEMENT PROJECT, and
STEVEN DONDLEY,

Defendants.

CIVIL ACTION NO. _____

02-12429EFH

**COMPLAINT FOR TRADEMARK
INFRINGEMENT AND UNFAIR COMPETITION**

Plaintiffs, Labor Ready, Inc. and Labor Ready Northeast, Inc., as and for its
Complaint against Defendants, Anti-Displacement Project and Steven Dondley, aver as follows:

PRELIMINARY STATEMENT

1. Plaintiffs, Labor Ready, Inc. and its subsidiary and licensee, Labor Ready Northeast, Inc. (Plaintiffs are collectively referred to hereinafter as "Labor Ready" unless the context indicates otherwise), have been using LABOR READY as a mark, name, and as the dominant element of its logo since long prior to the conduct of the defendants complained of herein in connection with temporary employment agency services. The LABOR READY mark is protected by federal trademark registration, U.S. Registration No. 1,668,771.

2. Labor Ready has achieved considerable success under the LABOR READY mark, name, and logo; and such mark, name, and logo are well-recognized in the temporary employment agency services industry. The LABOR READY mark, name, and logo as shown in Exhibit A have come to be recognized as identifying Labor Ready's services and

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business. The LABOR READY mark, name, and logo are, accordingly, very valuable assets of Labor Ready.

3. Upon information and belief, on or about November 2, 2002, the Anti-Displacement Project, under the direction and control of Steven Dondley (referred to collectively hereinafter as "A-DP" unless the context indicates otherwise) created and caused to go live a website. The content of the A-DP website can be accessed through the domain name slaverready.com.

4. A major graphic feature on the slaverready.com website is a simulation of the LABOR READY logo, depicted as shown in Exhibit B.

5. A-DP's use of this simulation of the LABOR READY logo on its slaverready.com website is likely to cause confusion as to the source or origin or sponsorship of A-DP's activities and as to its affiliation or relationship with Labor Ready.

PARTIES

6. Labor Ready, Inc. is a publicly held corporation authorized to do business throughout the United States, including in Massachusetts, and it has corporate headquarters at 1015 A Street, Tacoma, Washington 98402.

7. Labor Ready Northeast, Inc. is a subsidiary of Labor Ready, Inc., with an address of 307 West Broadway, Boston, MA.

8. A-DP is, on information and belief, a nonprofit Massachusetts corporation having an address of 57 School Street, Springfield, Massachusetts 01118.

9. Steven Dondley conducts business in Massachusetts and directs and controls the activities of A-DP which are the subject of this complaint, and is conducting such activities from 57 School Street, Springfield, Massachusetts 01118.

JURISDICTION AND VENUE

10. A-DP is engaging in the activities complained of in this District and is subject to the jurisdiction of this Court.

11. This action arises under 15 U.S.C. § 1114 and 15 U.S.C. § 1125. This Court has jurisdiction of the subject matter of this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1338.

12. Venue is proper within this judicial district under 28 U.S.C. § 1391.

THE LABOR READY MARK, NAME, AND LOGO

13. Since 1990, Labor Ready has offered and rendered in commerce temporary employment agency services under the LABOR READY mark and name.

14. Labor Ready has, since long prior to the acts of A-DP complained of herein, continuously used the LABOR READY mark, name, and logo in connection with temporary employment agency services.

15. The services offered and provided under the LABOR READY mark, name, and logo have been well received by the relevant trade and public; and the goodwill generated for the LABOR READY mark, name, and logo has been and is substantial.

16. Labor Ready, Inc., through its subsidiaries and related companies, has put more than 500,000 workers to work in 2002, alone and currently employs approximately 3,000 people full-time.

17. Labor Ready, Inc., through its subsidiaries and related companies, operates through approximately 750 branches located throughout the United States, Puerto Rico, Canada and the United Kingdom.

18. Each Labor Ready branch is responsible for recruiting temporary workers, for running the day-to-day operations of the branch, and for generating customers.

19. In Massachusetts, there are 22 Labor Ready branches located throughout the state. In 2001, Labor Ready branches in Massachusetts were responsible for employing 16,505 people in Massachusetts and contributed over \$13 million in payroll. These Labor Ready branches in Massachusetts served 6,650 customers.

20. Labor Ready's LABOR READY mark, name, and logo are inherently distinctive when used in connection with the services of Labor Ready.

21. As a result of the quality of the services rendered by Labor Ready, and as a result of the extent of the activities of Labor Ready, including continuous and extensive promotion to the relevant public and trade since long prior to the activities of A-DP of which complaint is made, the LABOR READY mark, name, and logo have become well and favorably known to the relevant trade and public and have been and are associated with Labor Ready and with no other entity in the relevant temporary employment agency services industry.

22. The nature and extent of the use of the LABOR READY mark, name, and logo by Plaintiff is illustrated by the representative materials attached as Exhibit C.

23. Labor Ready has secured and is the owner of U.S. Trademark Reg. No. 1,668,771 for temporary employment agency services. This registration is valid, subsisting and incontestable. A printout of the pertinent information concerning this registration is attached as Exhibit D.

A-DP'S UNAUTHORIZED USE OF "SLAVER READY"

24. On or about November 2, 2002, A-DP created and caused to go live the slaverready.com website. This website currently displays the term "SLAVER READY" across the top of each web page in a manner deliberately confusingly similar to Labor Ready's LABOR READY logo.

25. A-DP is employing a simulation of the LABOR READY logo on its website repeatedly in a calculated effort to interfere with the goodwill and reputation of Labor Ready in its Labor Ready mark, name, and logo.

26. Upon information and belief, A-DP's interference is done in furtherance of its plan to set up a hiring hall in competition with Labor Ready. Damaging Labor Ready's goodwill would enhance A-DP's ability to enter the market as a competitor of Labor Ready.

27. Labor Ready has objected to A-DP's use of the SLAVER READY logo on the slaverready.com website as depicted in Exhibit B, but A-DP has refused to desist from the complained of conduct.

28. A-DP had actual notice of Labor Ready's mark, name, and logo and adopted the logo in issue and commenced extensive use of such logo on its website with knowledge of Labor Ready's prior and superior rights in the LABOR READY mark, name, and logo.

29. A-DP's use of the logo in issue is in derogation of the rights of Labor Ready in its mark, name, and logo.

30. A-DP has adopted and used and continues to use the logo in issue willfully, intentionally, and knowingly as a mark in bad faith.

COUNT I

FEDERAL TRADEMARK INFRINGEMENT – 15 U.S.C. § 1114

31. Labor Ready incorporates by reference the allegations contained in the preceding paragraphs of the Complaint as though the same were fully rewritten herein.

32. Use by A-DP of the logo in issue as depicted in Exhibit B in connection with its website promoting its services is likely to cause confusion with Labor Ready's registered mark, granted the close and deliberate similarity between the designation chosen by A-DP and

the Labor Ready mark and granted the related nature of the activities, services and businesses of the parties, both current and prospective.

33. Members of the relevant public and trade who see A-DP's repeated use of logo in issue are likely to believe in error that A-DP's activities are conducted by or with the approval or authorization of Labor Ready or that A-DP's activities are conducted with the consent or approval of Labor Ready.

34. The repeated use by A-DP of the logo in issue in connection with its website and in anticipation of its entry into the marketplace as a competitor of Labor Ready is likely to cause confusion, mistake, and deception among the relevant public and trade as to the source or sponsorship of A-DP's activities, and as to the affiliation of Labor Ready with A-DP's activities, causing harm to Labor Ready's business, reputation and goodwill.

35. Labor Ready has not consented directly or indirectly to the use by A-DP of the logo in issue in connection with its website or the initiation of competitive business.

36. The activities of A-DP complained of herein constitute trademark infringement of Labor Ready's registered mark in violation of the Lanham Act, 15 U.S.C. § 1114, to the substantial and irreparable injury of Labor Ready's business, reputation and goodwill.

37. Labor Ready has no adequate remedy at law. The said conduct of A-DP has caused and, if not enjoined, will continue to cause, irreparable injury to Labor Ready.

38. Labor Ready has sustained and will sustain substantial damages from the aforesaid unlawful actions of A-DP, in an amount to be determined at trial.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiffs, Labor Ready, Inc. and Labor Ready Northeast, Inc., respectfully demand judgment:

1. That Defendants' conduct as described herein constitutes:
 - (a) federal trademark infringement, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114; and
 - (b) unfair competition in the nature of false designation of origin and representations, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
2. That the Defendants, their officers, directors, agents, servants, employees, attorneys, related companies, licensees, and all persons acting for, with, by, through, and under them be enjoined from using the logo depicted in Exhibit B and any other mark, name or logo which simulates the LABOR READY mark, name or logo; and from committing any other act calculated or likely to cause purchasers, potential purchasers of Labor Ready's Services or members of the relevant trade or public to believe that the activities of the Defendants are sponsored, authorized, or otherwise approved by the Plaintiffs, unless they are such;
3. That the Defendants pay to the Plaintiffs such damages as the Plaintiffs have sustained in consequence of the trademark infringement, unfair competition and unfair and deceptive acts and practices of the Defendants, and to account for and pay to the Plaintiffs, all gains, profits, and advantages derived by the Defendants from said unfair competition;
4. That the Defendants pay to the Plaintiffs three times such profits or damages, whichever is greater, together with pre-judgment interest, as a consequence of the willful nature of Defendants' unfair competition;

5. That the Defendants be required to recall and destroy all items not yet in the hands of the public, including but not limited to advertising, brochures and promotional materials that bear the logo in issue;

6. That the Defendants pay to the Plaintiffs their reasonable attorney's fees and the full costs of this action pursuant to 15 U.S.C. § 1117 and G.L. ch. 93A; and,

7. That the Plaintiffs have such other and further relief as the Court may deem equitable.

Respectfully submitted,

LABOR READY, INC and
LABOR READY NORTHEAST, INC.

By their attorneys



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Philadelphia, PA 19103-7599
tel. (215) 665-8500
fax.

Dated: 12/18/2002

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Help is on the way when you call Labor Ready!

Your Source for dependable temporary workers.

Get 2 Hours Free Labor

Learn how you benefit from a Labor Ready e-customer account. Order workers, manage your account and more, and get 2 hours **FREE** labor when you open a new e-customer account!

Greetings from our CEO

Labor Ready became a market leader with over 700 branches across North America by providing a needed service-dependable, temporary labor-to businesses of every size in hundreds of industries. It's that simple. [more...](#)

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Use this log-in form to access the on-line order placement and reporting system.

Retrieve forgotten password

Email:

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Login

10 Jobs Labor Ready Workers Do Every Day

1. **Freight Handling:** Our workers will load or unload anything!
2. **Construction:** We do site clean-up and many unskilled tasks.
3. **Janitorial:** Need help keeping things neat?
4. **Light Industrial/Assembly:** Unskilled repetitive tasks are one of our specialties.
5. **Demolition:** We can tear it up!
6. **Food Processing:** Sure, we can cook.
7. **Catering:** Large or small events are no problem for our workers.
8. **Waste Hauling:** We'll take out your garbage too.
9. **Fixture Installation:** We help installing lights or shelves.
10. **Warehouse:** Unloading and inventory management.

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ABOLISH

SLAVER READY

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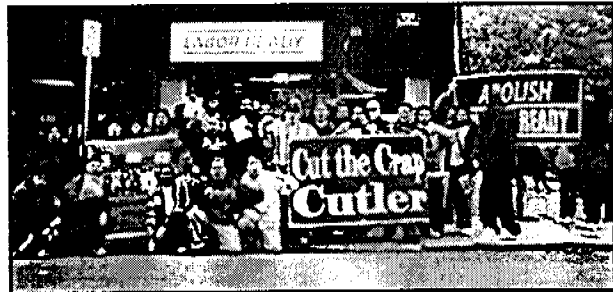
About A-DP

More coming soon!

The Anti-Displacement Project (A-DP) is proud to present this web site to get the word out about its aggressive, first-of-its kind campaign against America's worst employer, Labor Ready.

Labor Ready is in the business of selling cheap, human labor at the lowest possible cost to its customers. But selling labor cheap comes with huge human costs: Labor Ready workers are getting systematically ripped-off, exploited, and abused. It's modern day slavery and it's illegal.

This web site will document how Labor Ready exploits workers in the Western Massachusetts community. Second, it will give a blow by blow account of how a small but determined group of low-income workers is going to abolish this multi-billion dollar, multi-national corporation's shenanigans. Finally, it will show why our community needs a non-profit, worker-run Workers' Center as an alternative to for-profit hiring halls that treat workers as commodities. The Workers' Center goal will be to pay as much money into workers' pockets, provide real opportunities for developing our community's most vulnerable workforce, and treat workers with the dignity and respect that is due every worker and human being.



COMING SOON TO THIS SITE:

Breaking News

Cutler Associates has agreed to meet with the A-DP on December 6, 2002. Stay tuned for more...

- **MORE** testimony from Labor Ready workers about how they are exploited.
- Documentation of Labor Ready's exploitive practices.
- The inside scoop on the campaign. Learn what you aren't reading or seeing in the media.
- Latest campaign updates.

For more info, call the A-DP at 413-739-7233 or send an e-mail to steve@a-dp.org

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Help is on the way when you call Labor Ready!

Your Source for dependable temporary workers.

Get 2 Hours Free Labor

Learn how you benefit from a Labor Ready e-customer account. Order workers, manage your account and more, and get 2 hours **FREE labor** when you open a new e-customer account!

Labor Ready is the nation's leading provider of temporary manual labor to the light industrial and small business markets. Whether you need one or one hundred workers for one or one hundred days, call Labor Ready. We'll send workers as quickly as one hour after you order, and every worker is backed by our President's 100% Satisfaction Guarantee.

Good help is not hard to find...just call Labor Ready!

Greetings from our CEO
Labor Ready became a market leader with over 700 branches across North America by providing a needed service-dependable, temporary labor-to businesses of every size in hundreds of industries. It's that simple. more...

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1. **Freight Handling:** Our workers will load or unload anything!
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3. **Janitorial:** Need help keeping things neat?
4. **Light Industrial/Assembly:** Unskilled repetitive tasks are one of our specialties.
5. **Demolition:** We can tear it up!
6. **Food Processing:** Sure, we can cook.
7. **Catering:** Large or small events are no problem for our workers.
8. **Waste Hauling:** We'll take out your garbage too.
9. **Fixture Installation:** We help installing lights or shelves.
10. **Warehouse:** Unloading and inventory management.

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How We Can Help


Help is on the way when you call Labor Ready!

How you save time and money with Labor Ready:

- Simply place your order and if the workers are available the right workers will be on site on time, as fast as one hour after the order is placed!
- You pay no personnel-related overhead, withholdings, add-ons or fringe benefits.
- You pay only for hours worked (minimum of four hours).
- You have no contract with any Labor Ready worker.
- If you choose to hire a Labor Ready worker as a permanent employee, simply let us know. There will be no charge.
- Workers can be dispatched any time, 24 hours a day, and 7 days a week.
- No paperwork hassles. Each worker carries a work order for you to sign at the end of the shift.
- You receive one easy-to-read bill per week, payable within seven days. **(Now pay invoices online!)**
- You may cancel your work order without charge up to one hour prior to start time.
- Your satisfaction with Labor Ready workers is 100% Guaranteed!

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Labor Ready is the nation's leading provider of temporary manual labor to the light industrial and small business markets. Labor Ready puts people to work, serving more than 300,000 customers by providing a flexible, dependable workforce to such industries as freight handling, warehousing, landscaping, construction and light manufacturing. Labor Ready operates in 50 states, Puerto Rico, Canada, and the United Kingdom and is based in Tacoma, Washington.

Shareholder Information
Exchange

New York Stock Exchange

Stock Quote (LRW)

5.83 -0.19 (-3.16%)

As of 12/18/2002 1:18 PM

Minimum 20 minutes delayed

Listed Security[LRW](#) Common Stock**Corporate Information**

1015 A Street
Tacoma, WA 98402
<http://www.LaborReady.com>

Transfer Agent

Computershare Trust Company
350 Indiana Street, Suite 800
Golden, CO 80401
Phone 303.262.0600

Investor Relations Contact

Steve Cooper
Executive Vice President & CFO
Phone 800.610.8920
InvestorRelations@LaborReady.com

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" Labor Ready is the proactive, ethical, international industry leader providing dedicated workers and quality service to our valued customers. We provide economic opportunities for all of our employees and shareholders."

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Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	LABOR READY
Goods and Services	IC 035. US 101. G & S: temporary employment agency services. FIRST USE: 19900817. FIRST USE IN COMMERCE: 19901001
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74109969
Filing Date	October 29, 1990
Published for Opposition	September 24, 1991
Registration Number	1668771
Registration Date	December 17, 1991
Owner	(REGISTRANT) LABOR READY INC CORPORATION WASHINGTON 1016 S 28TH ST TACOMA WASHINGTON 98409
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JORDAN M MESCHKOW
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LABOR" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010503.
Renewal	1ST RENEWAL 20010503
Live/Dead Indicator	LIVE

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This page was generated by the TARR system on 12/18/2002 13:45:30 ET

Serial Number: 74109969

Registration Number: 1668771

Mark (words only): LABOR READY

Current Status: This registration has been renewed.

Date of Status: 2001-05-03

Filing Date: 1990-10-29

Registration Date: 1991-12-17

Law Office Assigned: TMEO Law Office # 05

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2001-05-07

CURRENT APPLICANT(S)/OWNER(S)

1. LABOR READY INC

Address:

LABOR READY INC

1016 S 28TH ST

TACOMA, WA 98409

United States

State or Country of Incorporation: Washington

Legal Entity Type: Corporation

GOODS AND/OR SERVICES

temporary employment agency services

International Class: 035

First Use Date: 19900817

First Use in Commerce Date: 19901001

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "LABOR"

PROSECUTION HISTORY

2001-05-03 - Registration renewed - 10 year

2001-05-03 - Section 8 (10-year) accepted/ Section 9 granted

2001-01-17 - Combined Section 8 (10-year)/Section 9 filed

1997-03-31 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-03-03 - Response received for Post Registration action

1997-01-30 - Post Registration action mailed Section 8 & 15

1996-12-11 - Section 8 (6-year) and Section 15 Filed

1991-12-17 - Registered - Principal Register

1991-09-24 - Published for opposition

1991-08-23 - Notice of publication

1991-04-10 - Approved for Pub - Principal Register (Initial exam)

1991-04-02 - Examiner's amendment mailed

1991-03-27 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

JORDAN M MESCHKOW (Attorney of record)

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United States
